

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Summary Agenda April 23, 2013 7:00 P.M.

Meeting was called to order at 7:14 p.m.

Call to Order/Roll Call of Council Members - **All Present**

- **Also present were:**
 - **Carlos Hernandez, Mayor**
 - **Marbelys Fatjo, Acting City Clerk**
 - **William Grodnick, City Attorney**

Invocation given by Acting City Clerk, Marbelys Fatjo

Pledge of Allegiance led by Councilwoman Katharine Cue-Fuente

ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK

The following guidelines have been established by the City Council:

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

Presentations –

- (1) Presentation of a bust of Jose Marti to Mayor Hernandez by artist Frank Yanes.
- (2) Award of Merit presented to Julio Horrego, Swim Team Member of the City of Hialeah Parks and Recreation Department, for breaking the Florida Gold Coast 13-14 boys age group 200 yard breaststroke record at the Short Course Junior Olympic Championships with a time of 2:06.59 (2 minutes and 6.59 seconds), as well as his outstanding performance in all the other swimming events, which qualified him to attend the All Star Swimming Competition to be held at Indian River State College in Fort Pierce, Florida.

1. Announcement of Amendments/Corrections to the Agenda – **The Department of Construction and Maintenance requested that Item Q be withdrawn from the Agenda. Items Z and AA were added to the agenda. A copy of item X as amended was placed on the dais, along with a request from the applicant of PZ 2 for the item to remain on table until the Council Meeting of May 28, 2013.**
2. Consent Agenda – **Motion to Approve the Consent Agenda, except items L, O, and Q, made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente. – Motion passed 7-0.**
 - A. Report of Scrivener's Error- Correction of Resolution No. 12-132. The correct adjustments to the current appropriations are as follows: Authorizing the transfer of \$232,254 from the Law Enforcement Trust Fund- Federal to *Law Enforcement Trust Fund - State Level.* (OFFICE OF THE CITY CLERK) **APPROVED (7-0)**
 - B. Request permission to utilize U.S. Communities IT Products, Services and Solutions contract #4400001195 (RQ09-997736-42B), a competitively bid governmental contract, and issue a purchase order to Insight Public Sector, Inc., to purchase inventory software, for a total cumulative amount not to exceed \$89,671. (FIRE DEPT. AND DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED (7-0)**
 - C. Request permission to waive competitive bids, since it is advantageous to the City due to time constraints caused by parameters within the grant funding source, and issue a purchase order to Florida Power Technologies, Inc., for the purchase of 200 batteries and installation of replacement batteries for 4 MGE Uninterruptible Power Systems, for a total cumulative amount not to exceed \$93,950. (FIRE DEPT. AND DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED (7-0)**
 - D. Request permission to increase purchase order # 2013-680, since it is advantageous to the City, issued to Gus Machado Ford, Inc., to purchase automotive replacement Ford parts at cost plus 8%, by an additional amount of \$30,000, for a new total cumulative amount not to exceed \$60,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
 - E. Request permission to increase purchase order # 2013-682, since it is advantageous to the City, issued to Rainbow Transmission & Auto Center, Inc., for transmission repairs, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET MAINTENANCE DEPT.) **APPROVED (7-0)**
 - F. Request permission to increase purchase order # 2013-47, since it is advantageous to the City, issued to All State Engineering & Testing Consultants, Inc., to conduct soils and materials testing as needed for all of the City's water construction projects, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (DEPT. OF WATER AND SEWERS) **APPROVED (7-0)**
 - G. Request permission to increase purchase order # 2013-1049, since it is advantageous to the City, issued to Xylem Water Solutions U.S.A., Inc., for the repair, parts and/or replacement of FLYGT submersible pumps and attributes for the purpose of maintaining and operating department sewer pump stations and to pay for outstanding invoices and future expenses,

by an additional amount of \$75,000, for a new total cumulative amount not to exceed \$90,000. (DEPT. OF WATER AND SEWERS) **APPROVED (7-0)**

- H. Request permission to increase purchase order #2013-998, since it is advantageous to the City and issue a purchase order to Olmedo Printing Corporation, to cover outstanding invoices and future printing of the new bills and the Water Quality Report expenses, by an additional amount of \$30,000, for a new total cumulative amount not to exceed \$45,000. (DEPT. OF WATER AND SEWERS) **APPROVED (7-0)**
- I. Request permission to increase purchase order #2013-1023, since it is advantageous to the City, and issue a purchase order to Royal Electrical Supply, Inc., to purchase electrical parts and to pay for outstanding invoices and future expenses, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (DEPT. OF WATER AND SEWERS) **APPROVED (7-0)**
- J. Request permission to increase purchase order # 2013-1134, since it is advantageous to the City, issued to Brooks Products of Florida, to pay the cost of outstanding invoices and future purchases of meter boxes and covers, by an additional amount of \$50,000, for a new total cumulative amount not to exceed \$65,000, and also request permission to revise the vendor on the existing purchase order to reflect the name of the successor corporation, Oldcastle Precast, Inc. (DEPT. OF WATER AND SEWERS) **APPROVED (7-0)**
- K. Request permission to increase purchase order # 2013-1036, since it is advantageous to the City, issued to A & B Pipe and Supply, Inc., to purchase pipe and material supplies and hydrants, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$25,000. (DEPT. OF WATER AND SEWERS) **APPROVED (7-0)**
- L. Request permission to amend the Water Treatment Plant Consulting Engineering Contract issued to Parsons Water and Infrastructure, Inc., the engineering consulting firm selected by the City Council for the 17.5 MGD Reverse Osmosis Water Treatment Plant, to reflect changes to their scope of services and resulting adjustments to their professional fees in the amount \$961,324 (\$612,183.60 to be allocated and paid in Fiscal Year 2012-2013). (DEPT. OF WATER AND SEWERS) **APPROVED (7-0)**

Council Vice President Gonzalez requested separate discussion on this item.

Armando Vidal, Director of Public Works, 3700 West 4 Avenue, Hialeah, FL, addressed Council Vice President Gonzalez's question.

Motion to Approve made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente.

- M. Request permission to waive competitive bids, since it is advantageous to the City due to an emergency created by the necessity to obtain an immediate evaluation and study of the impact of rock mining operations near the Reverse Osmosis Water Treatment Plant, and ratify an agreement with Wiss, Janney, Elstner Associates, Inc., in an amount not to exceed \$50,000. (DEPT. OF WATER AND SEWERS) **APPROVED (7-0)**
- N. Request permission to employ the professional services of Hazen and Sawyer, P.C., one of the authorized engineering consulting firms previously approved by Council, to pay for

work performed under a continuing agreement for the management of the sanitary sewage pump station rehabilitation program, for a new total cumulative amount not to exceed \$100,000. (DEPT. OF WATER AND SEWERS) **APPROVED (7-0)**

- O. Request permission to increase a contract with Link Construction Group, Inc., approved by the City Council for the reconstruction of the Department of Water and Sewers Administration Building, to pay for additional work performed which includes replacement of all interior drywall and interior finishes; electrical system; structural enhancement; A/C and drainage additions, and completion of the customer-employee parking lot, by an additional amount of \$467,093, for a new total cumulative amount not to exceed \$2,007,093 which includes the previously approved contingency amount of \$140,000. (DEPT. OF WATER AND SEWERS) **APPROVED (7-0)**

Council Vice President Gonzalez requested separate discussion on this item.

Motion to Approve made by Council Vice President Gonzalez and seconded by Councilwoman Casals-Muñoz.

- P. Request permission to increase purchase order # 2013-1002, since it is advantageous to the City, issued to HD Supply, Inc., to pay for outstanding invoices and future purchases of water meters and parts, by an additional amount of \$35,000, for a new total cumulative amount not to exceed \$50,000. (DEPT. OF WATER AND SEWERS) **APPROVED (7-0)**
- Q. Request permission to issue a purchase order to Curtis & Rogers Design Studio, Inc., an authorized architecture firm previously approved by Council, for the landscape design of Cultural Park, for a total cumulative amount not to exceed \$17,500. (CONSTRUCTION & MAINTENANCE DEPT. AND DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED (7-0)**
- R. Request permission to award bid # 2012/13-3230-00-030 and issue a purchase order to G & R. Electric Corp., lowest responsive bidder, for the Multipurpose Adult Center at the 300-Unit Elderly Housing facility- electric and fire alarm, for a total cumulative amount not to exceed \$50,000. (CONSTRUCTION & MAINTENANCE DEPT. AND DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED (7-0)**
- S. Request permission to award bid # 2012/13-3230-00-031 and issue a purchase order to ACTL Group, LLC, lowest responsive bidder, for the Multipurpose Adult Center at the 300-Unit Elderly Housing facility-heating, ventilation and air conditioning (HVAC), for a total cumulative amount not to exceed \$37,175. (CONSTRUCTION & MAINTENANCE DEPT. AND DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED (7-0)**
- T. Request permission to issue a purchase order to R.J. Behar & Company, Inc., an authorized engineering consulting firm previously approved by Council, for the civil engineer services for a Cultural Park, for a total cumulative amount not to exceed \$17,903. (CONSTRUCTION & MAINTENANCE DEPT. AND DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED (7-0)**
- U. Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to GT Grandstands, Inc., c/o Dominica Recreation Products, Inc., to

purchase grandstands for the Milander Center, for a total cumulative amount not to exceed \$53,281.66. (DEPT. OF PARKS AND RECREATION AND DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED (7-0)**

- V. Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Playcore Wisconsin, Inc., to purchase a combined play area for Milander Park, for a total cumulative amount not to exceed \$83,966.76. (DEPT. OF PARKS AND RECREATION AND DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED (7-0)**
- W. Proposed resolution approving the Local Housing Assistance Plan as required by the State Housing Initiatives Partnership Program Act, Sections 420.907-420.9079, Florida Statutes and Rule 67-37, Florida Administrative Code; authorizing and directing the Mayor and/or his designee to execute any necessary documents and certifications needed by the State; authorizing the submission of the Local Housing Assistance Plan for review and approval by the Florida Housing Finance Corporation; and providing an effective date. (DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0) RESOLUTION NO. 2013-37**
- X. Proposed resolution ratifying and approving the transfer of Unencumbered Appropriation Balances or a portion thereof between classifications of expenditures within an office or department within the General Fund; and within the Special Revenue Funds, and in particular, the Streets Transportation Fund, ITPA/Hayes Grant Fund, Children's Trust Grant Fund, Park Grant and Impact Fee Fund, Police Grant Fund, Neighborhood Stabilization Fund, ECS & Library Grants Fund, Building Department Fund, Multi-Purpose Adult Center Fund, Cultural Park Project (GOB) Fund, FDOT NW 138 Street, from 57 Avenue to 67 Avenue Fund, LETF-State Fund, LETF-Federal Fund, Fire Prevention Fund, Fire Rescue Transport Fund, Elected Officials Retirement Fund, Urban Area Security Grant Fund, Street Improvement-49 Street, from West 4 Avenue to S.R. 826, E-911 Wireless Fund, Affordable Housing Fund, Hialeah Circulator Fund, Streets 3-Cent Option Gas Tax Fund, Fire Administration Building Fund and CITT Fund and within the Enterprise Funds, in particular, the Public Works Fund-Solid Waste Department, Public Works Fund-Water & Sewers Department and Storm Water Fund (Exhibit "1"), all as summarized and itemized in the schedule attached as Exhibit "1" and made a part hereof. (OFFICE OF MANAGEMENT & BUDGET) **APPROVED (7-0) RESOLUTION NO. 2013-38**
- Y. Proposed resolution accepting a grant award from the Children's Trust in the amount of \$1,012,637.20 for Aftercare and Literacy Programs for one-year commencing on August 1, 2013 through July 31, 2014, and authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to negotiate and enter into a Grant Agreement, in substantial form as attached hereto and made a part hereof as Exhibit "1" and execute any and all documents in furtherance thereof. (EDUCATION & COMMUNITY SERVICES DEPT.) **APPROVED (7-0) RESOLUTION NO. 2013-39**
- Z. Request permission to amend the Program Management Contract for Task C, issued to R.W. Beck, Inc., currently known as SAIC Energy, Environment & Infrastructure, LLC., to reflect an extension in the completion date due to the Design-Build-Operate (DBO) and city activities resulting in the need to extend the project management tasks for the project, and further amend the contract by an addition amount of \$531,000, which includes \$30,000 for anticipated expenses. (DEPT. OF WATER AND SEWERS) **APPROVED (7-0)**

- AA. Request permission to utilize the pricing of the Western States Contracting Alliance Wireless Communication Services and Equipment Bid Number RFP 1907 between Palm Beach County and AT&T Mobility National Accounts, LLC, and issue a purchase order to AT&T Mobility, LLC, for Net Motion Mobility XE Premium Software Maintenance, upgrades and support through September 30, 2013, for a total cumulative amount not to exceed \$17,831.25. (DEPT. OF INFORMATION TECHNOLOGY) **APPROVED (7-0)**
3. Second reading and public hearing of proposed ordinance amending Chapter 34 entitled "Elections" of the Code of Ordinances, and in particular, revising Hialeah Code § 34-2 entitled "Qualifying Period for Mayor and Councilmembers" to change the first day of qualifying for the Office of Mayor and the Office of Councilmember from the 74th day to the 120th day prior to the Primary Election and change the last day of qualifying from the 53rd day to the 99th day prior to the Primary Election; and to revise provisions to require payment of assessment according to state law unless so exempted; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0) ORDINANCE 2013-28**
4. License suspension/revocation hearing pursuant to Section 86-57(b) of the Hialeah Code. The Licensing Administrator has determined that licensee, Tax Master Xpress Services, Inc., located at 419 West 49 Street, #219, Hialeah, FL, as part of the licensee's business activity within the City, engages in the unlawful placement of signs along the City's rights-of-way. (LICENSE DIV.) **APPROVED (7-0)**

Ruben Suarez, Acting License Official, 501 Palm Avenue, Hialeah, FL, addressed the Council.

Detective Frank Caldara, Hialeah Police Department, Crime Suppression CommunitH Enhancement Unit, addressed the Council and demonstrated images of the violation.

Jacqueline Nuñez, 6301 West Atlantic Boulevard, Margate, FL, of Tax Master Xpress Services, Inc., addressed the Council.

5. Board Appointments – **None.**
6. Unfinished Business - **None.**
7. New Business – **None.**
8. Comments and Questions – **Jose Azze, 788 Southeast Park Drive, Hialeah, FL addressed the Council.**

Elisa Shandu, 12350 SW 97 Terrace, addressed the Council.

Niurka, 1160 West 33 Street, Hialeah, FL, addressed the Council.

Grace Lobe, 250 East 2 Avenue, Hialeah, FL, invited the Council and Mayor to the Walk Against Rare Diseases on June 1, 2013.

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

PZ 1. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a lot coverage of 38.8%, where a maximum lot coverage of 30% is allowed and to allow a rear setback of 16.8 feet, where 20 feet are required, contra to Hialeah Code §§ 98-591 and 98-2056(b)(2). **Property located at 6313 West 22 Lane, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *(Applicant: Miguel Rodriguez, 6313 West 22 Lane, Hialeah, FL)* **APPROVED (7-0)**
ORDINANCE 2013-29

PZ 2. First reading of proposed ordinance granting a Variance Permit to allow Pawnbroking of Secondhand Jewelry by a Retail Jewelry Store on property zoned CR (Commercial-Residential District) and located in the Extended Hialeah Downtown Urban Center District, contra to Hialeah Code §98-1111(21) as referenced in Hialeah Code §98-891. **Property located at 1765-1795 East 4 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *(Applicant: Chaled Corporation)*
*Item was tabled during the meeting of March 12, 2013, at the request of the applicant, Ceasar Mestre, JR., 7600 West 20th Avenue, Suite 220 Hialeah, FL).**(Item remained on table until the Council Meeting of May 28, 2013.)*

The Council approved to cancel the Special Meeting scheduled for May 7, 2013, and to hear the Landuse Amendment item during the regularly scheduled Council Meeting of May 14, 2013. APPROVED (7-0)

Meeting was adjourned at 8:23 p.m.

NEXT CITY COUNCIL MEETING: May 14, 2013 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: May 28, 2013 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).